

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PRISONS DEPARTMENT – Central Prison, Warangal – Transfer of Sri Chittalapalli Sanjeeva @ Kadasi Sanjeeva Kumar, S/o.Laxmaiah, Convict No.416, Central Prison, Warangal to Borstal School, Nizamabad, under Section 10-A, of the A.P. Borstal School Act, 1925 – Orders Issued.

HOME(PRISONS.B) DEPARTMENT

G.O.Ms.No. 316

DATED:30-06-2009

Read the following:-

- 1.From the Director General and Inspector General of Prisons and Correctional Services, A.P., Hyderabad, Letter No.19/SB2/2008, dated 14-05-2008.
- 2.From the Director General and Inspector General of Prisons and Correctional Services, A.P., Hyderabad, Letter No.19/SB2/2008, dated 21-02-2009.

ORDER:

In the reference first read above, the Director General and Inspector General of Prisons and Correctional Services, A.P., Hyderabad, has stated that the Superintendent, Central Prison, Warangal, in his letter, dated 19-02-2008, has forwarded the petition of Sri Chittalapalli Sanjeeva @ Kadasi Sanjeeva Kumar, S/o Sri Laxmaiah, Convict No.416, Central Prison, Warangal, requesting for his transfer to Borstal School, Nizamabad. He has also stated that the convict was sentenced for life imprisonment on 18-07-2005 and to pay a fine of Rs.2000/- under Section 302 r/w 149, 448 r/w.149, 148, 324 r/w.149 IPC on the file of Hon'ble III Addl.Sessions Judge, Karminagar, and admitted at Central Prison, Warangal on 20-07-2005. Further the same was confirmed by the Hon'ble High Court of Andhra Pradesh, in its Orders, dated 27-07-2006 in Criminal Appeal No. 1114 of 2005, The Superintendent, Central Prison, Warangal, has also stated that the age of the convict as mentioned in the Warrant and Judgment was 19 years as on 18-07-2005 as on the date of conviction. According to Rule 11 of the A.P.Borstal School Act, 1925, before passing a sentence under Section 8 of the Act, the Court shall enquire into the age and record a finding thereon stating his age as nearly as may be. But no orders were passed either by Lower Court or Hon'ble High Court of Andhra Pradesh, about the transfer of the convict to Borstal School.

2. The Director General and Inspector General of Prisons and Correctional Services, Andhra Pradesh, Hyderabad, has further stated that as seen from the Transfer Certificate issued by Head Master, Sri Lingeshwara High School, Sultanabad, Karimnagar, and Secondary School Certificate issued by the Board of Secondary Education Hyderabad, the age of the convict as on the date of conviction by III Additional Sessions Judge, Karimnagar i.e, 18-07-2005 was 19 years, 11 months and 22 days, as his date of birth is 10-07-1985. In the warrant, the age of the above said convict was noted as 18 years as on 18-07-2005 (Date of conviction) and there is no mention about the date of birth or age of the said convict in the Judgment. Further, if the case of the Convict is considered, he has to be ordered to be retained in Borstal School for a period of 2 years from the date of transfer as per Sub Section (2) of section 10-A of Borstal School Act as amended vide Gazette Notification No.8, dated 02-03-2001.

P.T.O

3. Government after careful examination and in exercise of the powers conferred under Section 10(A) (1) of the A.P. Borstal School Act, 1925, here by order to transfer, Sri Chittalapalli Sanjeeva @ Kadasi Sanjeeva Kumar, S/o Sri Laxmaiah, Convict No.416, Central Prison, Warangal, to Borstal School, Nizamabad. It is also ordered that the term of the detention of the Convict in the Borstal School, Nizamabad, shall be for a minimum period of 2 years, under Sub Section (1) of Section 10-A of the Andhra Pradesh Borstal School Act, 1925. (As amended in the Act, No.3 of 2001).

4. The Director General and Inspector General of Prisons and Correctional Services, A.P., Hyderabad, is requested to take necessary further action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJAY MISRA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General and Inspector General of Prisons
and Correctional Services, A.P., Hyderabad.
The Superintendent, Central Prison, Warangal.
The Superintendent, Borstal School, Nizamabad.

Copy to:-

The individual concerned
through the Director General and Inspector General of Prisons and
Correctional Services, A.P., Hyderabad.
SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER